

EXHIBIT 18 (PART I)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARY ROZELL,)
) Case No.
 Plaintiff,) 05CV 2936
)
 vs.)
)
 COURTNEY ROSS-HOLST, an)
 individual, Andco, LLC, a)
 corporation, and NEIL PIROZZI,)
 an individual,)
)
 Defendants.)
 -----)

Tuesday, April 25, 2006
10:10 a.m.

Videotaped Deposition of COURTNEY
Sale Ross, held at the offices of Outten
& Golden, LLP, 3 Park Avenue, New York,
New York 10016, pursuant to Notice,
before Otis Davis, a Notary Public of the
State of New York.

David Feldman
Worldwide

ORIGINAL

From File to Trial.

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1 Courtney Sale Ross

2 A. I have no idea.

3 Q. Is Donna's claim resolved, as
4 far as you know?

5 A. To my understanding, it was.

6 Q. Have you ever been sued by a
7 member of your household staff for
8 employment-related claims?

9 A. I may have, but I don't
10 remember.

11 Q. Would you tell me what Andco
12 is?

13 A. It's a limited liability corp.
14 that does all my back office work.

15 Q. Tell me what "back office"
16 means?

17 A. All the financial
18 underpinnings.

19 Q. What does that mean?

20 A. Getting bills, paying bills,
21 doing taxes, working with financial
22 advisors.

23 Q. How many employees did it have
24 in 2003, 2004?

25 A. Probably maybe three. I am

1 Courtney Sale Ross

2 talking about the financial part of it.

3 Q. I mean the whole company.

4 A. I have no idea. I have a lot
5 of employees, so I'm not sure how many
6 there were.

7 Q. Do you know for sure which
8 employees worked for which companies?

9 A. No. I would assume that the
10 personnel employees work for Andco.

11 Q. But you don't know for sure?

12 A. I think that's what it is.

13 Q. How about the household
14 employees; who do they work for?

15 A. I don't know. I think they may
16 be Andco, but I'm not sure.

17 Q. Tell me who are your --

18 In 2003 and 2004, who were your
19 key employees?

20 MR. WEBER: Objection. I don't
21 understand the term.

22 Q. Does that term make any sense
23 to you?

24 A. No, I don't know what -- I
25 mean, I was running a school. So I'm not

1 Courtney Sale Ross

2 MS. PERATIS: I would like to
3 have all of the questionnaires
4 connected with this piece of work by
5 the Pappas Consulting Group and any
6 other documents generated in
7 connection with the work that Ms. Ross
8 has just described.

9 MR. WEBER: We'll take your
10 request under advisement.

11 MS. PERATIS: Okay.

12 Q. Did Mr. Pirozzi ever recommend
13 that any staff member be disciplined?

14 A. Disciplined?

15 Q. Yes.

16 MR. WEBER: If you recall.

17 A. I don't recall.

18 Q. Did he ever recommend that any
19 staff member be terminated?

20 A. Generally, I was the one that
21 recommended termination.

22 Q. My question is: Did
23 Mr. Pirozzi ever recommend that somebody be
24 terminated?

25 A. I'd have to look back at all

1 Courtney Sale Ross

2 the people to see if there was anybody
3 terminated to find that out. I don't
4 recall.

5 Q. So as far as you can recall
6 now, you don't remember that he ever
7 recommended to you that anybody be
8 terminated?

9 A. Not to my recollection, no.
10 But I don't know -- I would have to look
11 back. I don't remember.

12 Q. Do you have an opinion about
13 the quality of Mr. Pirozzi's performance?

14 A. Do I have an opinion about it?

15 Q. Yes.

16 A. Yes. He performs, he does his
17 job.

18 Q. You are satisfied with his
19 performance?

20 A. Yes.

21 Q. What are his strengths?

22 A. Loyalty, willingness to go the
23 extra mile.

24 Q. What does that mean?

25 A. It's a term from my mother.

1 Courtney Sale Ross

2 CFO and you have a chief financial advisor,
3 of course they work together.

4 Q. What, if anything, did
5 Mr. Halperin have to do with discussing any
6 employees with you -- strike that.

7 What, if anything, did
8 Mr. Halperin have to do with talking to you
9 about any employment-related matters?

10 A. I would ask his advice about
11 many things.

12 Q. Can you give me some examples
13 of advice you sought from him regarding
14 employment-related matters?

15 A. Yes. For instance, I would ask
16 him -- if I was hiring a butler and
17 something seemed outrageous, I would call
18 him and say, did Ron ever pay this much for
19 a butler or any of your other clients?

20 So I would ask him things
21 that -- the cost of managing people that
22 had high net worth he had knowledge of that
23 I didn't. Not specifically, I didn't care
24 about specific people, but just in general
25 what the issues were.

1 Courtney Sale Ross

2 I trusted him -- he is a man of
3 integrity, so I trusted his advice
4 implicitly.

5 Q. Did you ever talk to him about
6 any problems you had with employees?

7 A. Yes, I did. I called him to
8 sit in when it came to my attention that
9 Mary had an issue with Neil.

10 Q. Had you ever asked him to sit
11 in on a conversation with any other
12 employee?

13 A. If it was business related.

14 Q. I am just asking you if you
15 ever asked him to sit in on any
16 conversation with any other employee.

17 A. Not to my knowledge right now.

18 Q. Who is responsible for human
19 resources for your employees?

20 A. I don't think we had anybody in
21 charge of human resources.

22 Q. So if an employee had a problem
23 or an issue, am I correct that they
24 would -- strike that.

25 When Ms. Rozell came to meet

1 Courtney Sale Ross

2 with you about the matter you just referred
3 to, the problem with Mr. Pirozzi, prior to
4 the time she came to meet with you, what
5 did you know about why she was coming to
6 meet with you?

7 A. First of all, I requested the
8 meeting. So she didn't come to me with the
9 meeting.

10 Q. How did that happen?

11 A. What happened was Christi said
12 to me there is something I think you should
13 know about. And I said, what's that? And
14 she said Mary said that Neil has been
15 sexually harassing her but doesn't want you
16 to know.

17 And I said, doesn't want me to
18 know? I said, why would she be talking
19 about it to other people if it's an
20 employee relationship issue? That seemed
21 fairly odd to me to begin with.

22 Q. And you said that to Christi,
23 why would she be talking about it to other
24 people?

25 A. No. What I said to Christi was

Courtney Sale Ross

that's of great concern. I want to speak to her. And she said, well, she told me she didn't want you to know. I said, well, but now I do know. So that's a concern.

I am a woman, I have been in the workplace all my life, and if there is a sexual harassment issue, I can assure you I'm not going to sit there and not deal with it.

Q. What did you do?

A. I said set up a meeting with Mary, I need to meet with her. And I called Richard, because obviously, I couldn't have Neil in the meeting, I had no one else to turn to, and I know I don't meet alone in those situations, and I knew that Neil -- Richard is discrete and is a lawyer and would help me understand what was going on.

Q. So what happened next?

A. So we had a meeting.

Q. Christi scheduled a meeting?

A. Yes.

Q. After this first conversation

1 Courtney Sale Ross
2 with Christi --

3 First of all, where did this
4 conversation take place?

5 A. In Christie's office.

6 Q. Did you only have one
7 conversation with Christi about Mary's
8 matter with Mr. Pirozzi?

9 A. Before the meeting, yeah.

10 Q. So after you told her to
11 schedule the meeting, you had no other
12 conversations with Christi about scheduling
13 this meeting?

14 A. No.

15 MR. WEBER: Objection as to
16 form. Answer.

17 Q. Is that correct?

18 A. I don't think so.

19 Q. So the next thing that happened
20 was you had the meeting?

21 A. Right.

22 Q. Did Christi know that
23 Mr. Halperin was going to be there?

24 A. I don't know.

25 Q. Did you tell her?

1 Courtney Sale Ross

2 A. I don't remember if I told her
3 or not. I'm sure I told her Richard is
4 joining us.

5 Q. Did you tell her that in the
6 same conversation?

7 A. I don't know.

8 Q. When you had that conversation
9 with her, am I correct that you didn't know
10 at that point that you were going to ask
11 Richard to join you?

12 A. I'm not sure what you mean.

13 MS. PERATIS: You want to read
14 the question back.

15 A. Christi brought it to my
16 attention, I said that I must speak with
17 Mary, this has come to my attention, I must
18 speak to her, get Richard Halperin on the
19 phone, because I'm not going to meet with
20 her alone.

21 Q. So you told her that all in one
22 conversation?

23 A. I don't know if it's one or two
24 conversations.

25 Q. But you told Christi get

1 Courtney Sale Ross

2 Richard Halperin on the phone because I'm
3 not going to meet with Mary alone?

4 A. Yes, because I know not to do
5 that, plus I needed his advice.

6 Q. Did Christi ever tell you that
7 Ms. Rozell was uncomfortable having this
8 meeting with Mr. Halperin present?

9 A. No.

10 Q. What, if anything, did you tell
11 Christi about why you wanted Mr. Halperin
12 there?

13 A. Nothing.

14 Q. What, if anything, did you tell
15 Christi about what to tell Mary about
16 Mr. Halperin being there?

17 A. I didn't tell her anything.

18 Q. Prior to your hiring
19 Ms. Rozell, am I correct Mr. Szczepanek was
20 the head of the art department?

21 A. There were two people in the
22 art department.

23 Q. Who were they?

24 A. Leonardo and Stephen.

25 Q. What did Stephen do?

1 Courtney Sale Ross

2 A. They shared different
3 responsibilities. I think Leonardo worked
4 more on the wine. I was busy building the
5 school, so I didn't really analyze who did
6 what. Stephen would do writing for me.

7 Q. What was Mr. Szczepanek's job?
8 What was he supposed to do? What were his
9 duties?

10 A. It changed. I mean, they were
11 supposed to oversee -- there was a lot of
12 work to do after Steve died with the
13 estate.

14 Q. What was that work that they
15 were supposed to do?

16 A. Well, there is getting
17 appraisals and all the work that has to be
18 done to prepare for probating a will.

19 Q. You mean appraisals of the
20 artwork?

21 A. Yes.

22 Q. So Mr. Szczepanek was supposed
23 to get appraisals for the artwork?

24 A. And Leonardo.

25 Q. What else besides that?

1 Courtney Sale Ross

2 A. The same job description,
3 overseeing conservation, recording. During
4 the years of building the school, it
5 started in '91, I pulled them off a lot of
6 their work to be able to help me with the
7 school.

8 Q. When you say "the same job
9 description," did you mean they had the
10 same job description as Ms. Rozell had?

11 A. I am saying that any art
12 collection -- you know, there is a cluster
13 of duties that are clustered around an art
14 collection.

15 Q. You said "the same job
16 description." So I'm just wondering what
17 you meant by that.

18 A. I mean the duties that come
19 attached to taking care of an art
20 collection.

21 Q. Were they similar to the duties
22 that were contained in Ms. Rozell's job
23 description?

24 A. Similar, but I'm sure that they
25 changed. Like I said, I was in the big

1 Courtney Sale Ross

2 years of building the school, and the art
3 department, because the school is
4 organized, history of art plays a very
5 important role.

6 So I called on their expertise
7 to help me with actually creating the
8 spaces and the artwork in the school and
9 installation. It was a vast amount of
10 work, five buildings.

11 Q. Tell me what Mr. Szczepanek's
12 skills are?

13 A. He is loyal -- as you can see,
14 that comes first -- he is an artist, he is
15 an excellent writer, he is very
16 knowledgeable about art.

17 Q. Does he have a particular
18 specialty in his knowledge? Are there
19 periods that he is a specialist in?

20 A. I wouldn't say in particular.
21 He is very literate. He reads all the
22 time.

23 Q. Does he have curatorial skills?

24 A. I don't know if he did. He and
25 Leonardo worked on the -- when Steve was

1 Courtney Sale Ross

2 alive, they did things for Time Warner.

3 When Steve died, there was so much work to

4 do on the collection, and then they just

5 stayed. In other words, I never saw a

6 résumé to begin with, because he was hired

7 by the company first.

8 Q. But in your observation of his
9 work, he --

10 A. He wasn't trained as a
11 professional curator.

12 Q. As far as you know, what, if
13 any, curatorial skills did he have? And if
14 you don't remember, then you don't
15 remember.

16 A. I think that -- first of all,
17 you have to understand that they worked as
18 a team. So they had different strengths.

19 Q. But I'm just asking about
20 Mr. Szczepanek's strengths.

21 A. I think he has the knowledge to
22 be able to identify what needs to be done
23 in the collection.

24 Q. So what, if any, curatorial
25 skills did he have?

1 Courtney Sale Ross

2 MR. WEBER: Other than what's
3 been testified to?

4 Q. What, if any, curatorial skills
5 did he have?

6 A. First of all, curator, in my
7 sense, I am the active person in the art
8 collection. I mean, nobody buys, nobody
9 sells, it's me.

10 So the curator is maintaining
11 and taking care of appraising, valuating.
12 And he was capable of doing all that.

13 Q. What curatorial work did he do
14 for you prior to the time you hired
15 Ms. Rozell?

16 A. They were keeping the files,
17 then they were working on special projects
18 with me. So I pulled him off the
19 curatorial part of it to work on the
20 school, as I said before, and also any
21 special projects I would have.

22 Q. So again --

23 A. For instance, I was doing
24 things in China, and he was my main
25 interface with China.

1 Courtney Sale Ross

2 Q. What, if any, curatorial work
3 did he do for you prior to the time
4 Ms. Rozell was hired?

5 A. The duties that I have spoken
6 of before.

7 Q. Tell me what he did, what
8 curatorial work he did?

9 A. There was another person, Joe,
10 and they were to be cataloging. I know
11 that they were backlogged, which was the
12 reason to, when Stephen left, catch up with
13 that work, because that part of the demand
14 for the school was over with.

15 Q. Is there anything --

16 A. So I reallocated his resources
17 to help me with the school.

18 Q. Is there anything else that you
19 can tell me regarding the curatorial work
20 Mr. Szczepanek did for you prior to the
21 time Ms. Rozell was hired?

22 A. If I were to make a purchase,
23 if I was interested in something, I would
24 have him go to the experts to figure out,
25 because I would want their advice before I

1 Courtney Sale Ross

2 purchased. He would do things like that.

3 Q. Do things like what? Tell me
4 that again.

5 A. If I saw a piece of art and I
6 was interested in it, what I would do to
7 Stephen is say -- like, for instance, if
8 it's Greek, I would say call Carlos Picon
9 at the Metropolitan Museum, he's the Greek
10 and Roman curator, and I would get Carlos'
11 opinion on it or other experts. So he
12 interfaced with the experts.

13 Q. Anything else?

14 A. No. I mean, there are probably
15 other things, but that's all I can think of
16 right now.

17 Q. Did he have any -- strike that.

18 Why, if you know, did
19 Mr. Szczepanek leave your employ in 2001?

20 A. To my knowledge, he had a new
21 partner and he was artistic himself and
22 they were going to establish a loft
23 somewhere, I think in Brooklyn, I'm not
24 sure, and they were going to sort of do a
25 co-business together.

1 Courtney Sale Ross

2 After Ms. Rozell was
3 terminated, what, if anything, did you do
4 regarding Mr. Szczepanek's relationship to
5 you and your art collection?

6 A. Well, I think you would have to
7 go back. I called on Stephen during all
8 the years, even when Mary was there, to
9 advise and consult.

10 Q. I am asking what, if anything,
11 changed once you terminated Ms. Rozell?

12 A. Well, my recollection is that
13 in April -- I would have to go back. There
14 were intermediaries that came to me with
15 concerns about Mary, Marisa, for instance,
16 concerns about her work, what she was
17 doing, not getting a handle on what she was
18 doing. That would have gone back to the
19 prior summer.

20 Q. Summer of what year?

21 A. I guess that's 2003.

22 Q. You mean the summer before she
23 was terminated?

24 A. Right.

25 Q. So your testimony is that

1 Courtney Sale Ross

2 Marisa came to you and told you that she
3 had concerns about the quality of Mary's
4 work?

5 A. What, in fact, Mary was doing
6 and how long was it taking to do what her
7 job was that she had hired all these people
8 to do.

9 I was too busy to deal with it,
10 to tell you the truth. I had too many
11 balls in the air and too busy to deal with
12 it.

13 Darius also came up on occasion
14 and said when he was in the apartment that
15 she was in the back of her desk doing her
16 fingernails.

17 Now, I have to tell you, I
18 never saw that, but it was reported to me
19 by two or three other people.

20 Q. When?

21 A. Probably -- it would have been
22 the summer before, it would have been
23 around the time Marisa came to me.

24 Q. So you are saying two or three
25 people reported to you that Mary sat at her

1 Courtney Sale Ross

2 desk and did her fingernails?

3 A. Yes.

4 Q. Who?

5 A. Darius was one of them.

6 Q. And he reported that to you?

7 A. Christi was another one.

8 Q. Let me just get some detail
9 here.

10 Darius reported that to you in
11 the middle of 2003?

12 A. Yeah.

13 Q. And Christi reported that --

14 A. And probably before that.

15 Q. Before that or not?

16 A. I don't know if it was before
17 the summer, I don't know if it was the
18 spring of 2003. It was definitely 2003.

19 Q. You are saying that Christi
20 also reported to you --

21 A. Yes.

22 Q. -- that Mary sat at her desk
23 and did her fingernails?

24 A. Uh-huh, and kept strange hours.

25 Q. What does that mean, "strange

1 Courtney Sale Ross

2 hours"?

3 A. I didn't know what it meant,
4 but the flags were going up, because I
5 wasn't there, I was at school.

6 Q. Who else reported anything to
7 you negative regarding Ms. Rozell's
8 performance?

9 A. Just the people that I have
10 said.

11 Q. Darius and Christi?

12 A. Right, and Marisa. Marisa was
13 very concerned.

14 Q. Is there any written record of
15 any complaints regarding Ms. Rozell's
16 performance in 2003?

17 A. I don't know if there are or
18 not.

19 Q. Did you ever see anything?

20 A. I don't remember if I saw it.
21 Usually those things would be told to me in
22 person; in other words, somebody would come
23 to me and say I have a concern here.

24 Q. And you made no note of those
25 conversations?

1 Courtney Sale Ross

2 A. No.

3 Q. Am I correct you never told
4 Ms. Rozell about those conversations?

5 A. No.

6 Q. Do you know whether Darius ever
7 told Ms. Rozell that that was his opinion?

8 A. I don't know.

9 Q. Who did he tell, if you know,
10 other than you that that was his opinion?

11 A. I don't know. In my
12 organization, somebody painting their nails
13 is sort of -- I mean, I am a 24/7 person,
14 and most people that work for me are 24/7
15 people.

16 Q. So you were very upset about
17 that?

18 A. I didn't know what it meant.

19 Q. But three people reported to
20 you in the middle of 2003 that Mary wasn't
21 doing her job; is that correct?

22 A. They reported to me that they
23 were not sure what Mary was doing, that she
24 was coming in with erratic hours, going in
25 and out, that there were people that were

1 Courtney Sale Ross

2 hired that they were cataloging with. It
3 was hard to get a hand on when it was going
4 to end.

5 Q. What, if anything, did you do
6 about those reports?

7 A. I was busy and I didn't have
8 time.

9 Q. So you never did anything about
10 it?

11 A. No, I did not do anything about
12 it.

13 Q. So you never did any
14 investigation of those claims?

15 A. Uh-huh.

16 Q. You never spoke to Mary about
17 it?

18 A. No, I didn't.

19 Q. From the time that you received
20 those reports that you just described until
21 the spring of 2004, am I correct that you
22 did nothing about those reports?

23 A. I did not do anything about the
24 reports, because I was too busy to get in
25 to understand what it meant. If I didn't

1 Courtney Sale Ross

2 have time to do a full review of it, then I
3 shouldn't even start the process.

4 Then when the thing at
5 Christmas happened with this bonus thing of
6 doing false rumors, plus it was coming to
7 my attention that there was incessant
8 complaining going on, that was the other
9 thing, I'm like "complaining about what?"

10 Q. What do you mean "there was
11 incessant complaining going on"?

12 A. What I was told by the office
13 staff was that Mary and Tasha were
14 incessantly complaining and that Mary was
15 out looking for another job, Tasha wasn't
16 happy.

17 I had no idea, because I wasn't
18 around, I was working, I was in meetings.

19 Q. This was an office in which
20 there was a lot of gossip?

21 A. I suppose there is a lot of
22 gossip in every office. I don't have time
23 to partake in gossip.

24 Q. I understand. But from what
25 you are describing to me, am I correct that

1 Courtney Sale Ross

2 there was a lot of gossip going on among
3 the office staff?

4 A. Sounded like it to me on all
5 levels.

6 Q. What, if anything, did you do
7 of your learning that there was incessant
8 complaining about Mary and Tasha?

9 A. I didn't do anything until the
10 spring.

11 Q. I began this line of
12 questioning by asking you about what, if
13 anything, changed regarding Mr. Szczepanek
14 doing work for you after Ms. Rozell was
15 terminated.

16 A. What happened was Neil had come
17 to me I believe in April and had said that
18 Tasha wanted to leave. I said why. I
19 mean, I knew that there was -- sometimes I
20 just think they're just having a bad day.
21 If I don't have time to really investigate
22 it, then I just leave it alone. I had too
23 many other things on fire.

24 So I said why. He said, well,
25 there is a lot of discontent in the office,

1 Courtney Sale Ross

2 Mary and Tasha get along really well, but
3 they don't get along with Lea. It was just
4 all this stuff. And I was busy. I didn't
5 know where to start with it.

6 Q. This is Neil telling you this?

7 A. Neil told me this, because it's
8 an employment issue, do we replace her, who
9 do you choose, if she leaves, what do you
10 do to restructure the department, what do
11 you do.

12 MS. PERATIS: Does that mean
13 you have to change your tape in five
14 minutes?

15 THE VIDEOGRAPHER: Yes.

16 MS. PERATIS: Do you want to do
17 it now?

18 THE VIDEOGRAPHER: If you would
19 like.

20 MR. WEBER: Let's take a break.

21 MS. PERATIS: No, let's go a
22 couple more minutes, and then we'll
23 take a break.

24 MR. WEBER: Okay.

25 Q. So Neil told you that Tasha

1 Courtney Sale Ross

2 wanted to leave?

3 A. Right, and there was all this
4 discontent in the department.

5 Q. Did he tell you that he didn't
6 want Tasha to leave?

7 A. I don't think he wanted Tasha
8 to leave.

9 Q. Did he tell you that?

10 A. I think so. I think he didn't
11 want Tasha to leave.

12 Q. What did he say to you that led
13 you to believe that he didn't want Tasha to
14 leave?

15 A. I don't remember. I think he
16 said if Tasha and Lea don't get along, then
17 Lea has to leave because she is younger and
18 she is whatever, in his estimation, that
19 Tasha did the lion's share of the work.
20 And I said that's not how you make an
21 evaluation. I want to know what's really
22 going on.

23 So I called Cari, whose office
24 is right downstairs, right next to their
25 offices, and she came upstairs and I asked

1 Courtney Sale Ross

2 her, what is going on here.

3 Q. And what did she tell you?

4 A. She said it was a mess.

5 Q. Did you make any notes of your
6 conversation with Cari?

7 A. No. She said it was a mess.

8 Q. We'll get back to that, but I
9 want you to tell me, Mary's departure, how
10 that affected your relationship with
11 Mr. Szczepanek.

12 A. It's leading up to that. I
13 said, a mess of what kind? She said,
14 basically, that Lea was being completely --
15 being treated badly by Mary and Tasha. I
16 said, well, why can't Mary resolve this?
17 This is her staff. And she said because,
18 you know, she is not happy herself, all
19 they do is complain incessantly.

20 So if I have a manager who is
21 complaining, then why wouldn't I have a
22 staff that's complaining.

23 Then I said, well, how is the
24 work getting done? Who is doing the work?
25 Nobody seemed to know what Mary was doing.

1 Courtney Sale Ross

2 That was reported.

3 Q. By whom?

4 A. By Cari.

5 Q. She didn't know what Mary was
6 doing?

7 A. No. She did not know what Mary
8 was doing, that Tasha and Lea both worked
9 hard, but because they worked side by side
10 in an office, this was really getting to be
11 just unacceptable.

12 So at the same time --

13 Q. When was this conversation,
14 Ms. Ross?

15 A. In April.

16 Q. Do you remember what part of
17 April?

18 A. No.

19 Q. How long before you terminated
20 Ms. Rozell did this conversation take
21 place?

22 A. Shortly after that.

23 Q. You mean the conversation took
24 place shortly before?

25 A. It was within the month, so I

1 Courtney Sale Ross

2 don't know. I call that shortly.

3 Q. Was it within a week, or do you
4 recall?

5 A. I don't recall, because at the
6 same time, I got a call from Stephen, I
7 don't know if it was a week before or a
8 week after, but it was right confluent with
9 that, saying that he was moving out from
10 his apartment and breaking up with his
11 partner and that he would like to do
12 something with me.

13 I didn't know what he meant, I
14 didn't know, what does that mean, do you
15 want to have a business. I know he was
16 making his things and I bought some of
17 them.

18 And then I thought about, well,
19 wait a minute, this whole apartment is
20 dysfunctional, then maybe I'll just
21 restructure the whole department, which is
22 what I did.

23 Q. From the time that you spoke to
24 Cari until the time you terminated
25 Ms. Rozell, who else, if anybody, did you

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2 speak to about what was going on in the art
3 department?

4 A. I don't know. I don't remember
5 speaking to other people. It was my
6 decision.

7 Q. So from the time you spoke to
8 Cari until the time you terminated
9 Ms. Rozell, you don't recall speaking to
10 anybody else about what was going on in the
11 art department?

12 A. I spoke with Cari, I had
13 already had all the prior warnings, I had
14 had a run-in with Mary myself over --

15 Q. You can just answer my question
16 and then you can go on.

17 MR. WEBER: Objection. Answer
18 the question.

19 Q. After you spoke to Cari --

20 A. No, no --

21 Q. After you spoke to Cari, who
22 did you speak to, if anybody?

23 MR. WEBER: Objection. Please
24 read back the question, and then you
25 can answer it.

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2 regarding Mary giving her card to somebody
3 on the street, did you ever speak to Mary
4 about that incident?

5 A. No.

6 Q. When you said the Christmas
7 thing, you mean that it was reported to you
8 that Mary told people there would not be
9 Christmas bonuses; is that right? You have
10 to say yes or no.

11 A. Yes.

12 Q. And in your decision to rehire
13 Mr. Szczepanek, tell me exactly what that
14 meant?

15 A. What I decided was to cut back
16 the department. So that's what I mean by
17 "restructuring."

18 Q. So you decided when you
19 terminated Mary that you were going to
20 terminate other people as well?

21 A. No. It was going to be Tasha
22 and Lea and Stephen part-time.

23 Q. So you were going to keep
24 Tasha, keep Lea, terminate Mary and have
25 Stephen Szczepanek work part-time?

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2 A. Yes.

3 Q. What duties did Szczepanek --
4 never mind.

5 Did you talk to Mr. Szczepanek
6 about what his duties would be in this new
7 relationship?

8 A. Well, the first thing would be
9 to restore order, meaning I didn't want
10 everybody at each other's throat.

11 Q. My question is: Did you talk
12 to him about that?

13 A. About?

14 Q. About what his duties would be.

15 A. I would assume I did.

16 Q. You don't remember?

17 A. No.

18 Q. Did you have any subsequent
19 conversation with him about what his duties
20 would be?

21 A. I talked to him all the time.

22 Q. You had a conversation with
23 him, you have testified, in April in which
24 he said in substance I am available to do
25 more work for you and you decided that that

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2 was a good idea, right?

3 A. Right.

4 Q. And in that conversation, I
5 believe you said you don't recall talking
6 to him about what his duties would be?

7 A. I don't know if I did or not.

8 Q. But there came a time when you
9 did talk to him about what his duties would
10 be; is that correct?

11 A. Yes, because we had to hone a
12 new department.

13 Q. So when you talked to him about
14 what his duties would be, what did you tell
15 him his duties would be?

16 A. Well, we had to try to figure
17 out how to work something part-time, how
18 that was going to work, the communication,
19 off-site, on-site.

20 Q. What else?

21 A. And what were the most
22 immediate things. I think he had to take
23 an assessment of where things were and come
24 back to me.

25 Q. Did you tell him to make an

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2 assessment of where things were and come
3 back to you with some recommendations?

4 A. I probably said something like
5 that. I don't remember exactly.

6 Q. Did he assess where things
7 were?

8 A. I guess he did.

9 Q. Did he report to you his
10 assessment of where things were in the art
11 department?

12 A. I don't remember. I mean, it
13 was ongoing.

14 Q. At some point, you had a
15 conversation with him about what his duties
16 would be, right?

17 A. I have answered that question,
18 I think, to the best of my ability.

19 Q. Let me ask you again to tell me
20 what you told him his duties would be. I
21 think your testimony was that you first
22 told him to assess things in the art
23 department.

24 A. Right. He would have to do an
25 analysis.

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2 Q. So he did that?

3 A. To my understanding, he did.

4 Q. Did he ever --

5 A. An analysis of how to complete
6 the cataloging, even though it's a process,
7 it's not something that begins and ends.
8 Then it goes day to day in terms of what
9 the needs are. And because Stephen does
10 different things for me, it could be some
11 was with the art collection, some wasn't
12 with the art collection.

13 Q. Did you ever tell him what you
14 wanted him to do for you?

15 A. On many different occasions I
16 did.

17 Q. What were the duties that
18 needed to be done in the art department --

19 A. I don't remember.

20 Q. -- as you understood them after
21 Mary left?

22 A. I don't remember.

23 Q. Was there ever anything in
24 writing on that?

25 A. I don't know. Also, it was